

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID JAY TYSON,

Plaintiff,

-against-

FEDERAL BUREAU OF INVESTIGATION, et  
al.,

Defendants.

22-CV-3555 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated May 16, 2022, the Court dismissed Plaintiff's federal claims for failure to state a claim, under 28 U.S.C. § 1915(e)(2)(B)(ii), and declined to exercise jurisdiction of his supplemental state law claims. (ECF No. 4.) The Court entered judgment the same day. (ECF 5.) On May 24, 2022, Plaintiff filed a notice of appeal and a motion for an extension of time of file a notice of appeal. (ECF Nos. 6-7.)

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed within thirty days after entry of judgment. Because Plaintiff's May 24, 2022 notice of appeal was filed within thirty days after entry of the May 16, 2022 order dismissing this action, the notice of appeal is timely, and a motion for extension of time to appeal is unnecessary. Accordingly, Plaintiff's motion for extension of time to appeal is denied as moot.

**CONCLUSION**

Plaintiff's motion for an extension of time to file a notice of appeal (ECF 6) is denied as moot.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 26, 2022  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge